

10/661,841

REMARKS

Upon receipt of this response, the Examiner is respectfully requested to contact the undersigned representative of the Applicant to arrange a telephone interview concerning the inventive merits of this application.

Initially, upon review of the January 13, 2005 official action the Applicant notes that claims 1-14, 17 and 18 were elected and all drawn to a chemical toilet classified in class 4, subclass 321. In the next official action, the Examiner required a further verbal election and the Applicant elected Fig. 8 and as well as claims 11 and 12 which are readable thereon. The April 8, 2005 official action considered both elected claims 11 and 12. However, the most recent official action incorrectly indicates that claims 11 and 12 are withdrawn from further consideration. In this response, the Applicant respectfully requests reconsideration of the limitations of claims 11 and 12 since the Applicant believes that the features of elected claims 11 and 12 are clearly patentable over the applied art of record, including the newly cited Clear et al. '281 citation. The previously claimed and searched essential subject matter of claim 11 is incorporated into independent claims 1, 17 and 21 to clearly distinguish over the art.

Claims 1-6, 13, 14, 21 and 22 of this application is rejected under 35 U.S.C. § 112, first paragraph, for the reasons noted in the official action. The inadequate written description rejection is acknowledged and respectfully traversed in view of the following remarks.

The Examiner indicates that there is no support found for the tank pumping coupling being in constant and continuous communication with any waste and liquid contained within the tank, such that any human waste and liquid which is free to flow into the tank pumping coupling. Although the specification as a whole is believed to provide support for such amendments, the Applicant nevertheless revised independent claims 1, 17 and 21 so that those claims now recite subject matter which is described in the specification so as to reasonably convey to one skilled in the art that the inventor had possession of the claimed invention, thereby overcoming the raised 35 U.S.C. § 112, first paragraph, rejections. If any further amendment to the claims is

11/18/05 -12:25 PM

10/661,841

believed necessary, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

Claims 1, 5, 13, 14, 17 and 21 are then rejected, under 35 U.S.C. § 102, as being anticipated in view of Clear et al. '281. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

Turning now to the Clear et al. '281 citation, the Applicant notes that this reference specifically discloses a conventional "low-flush" toilet 14 having a 0.8 liter flush volume. A manually activated water valve 18 with a flush pushbutton 20 is mounted on the cabinetry of the toilet 12 so that when the pushbutton is depressed, a predetermined volume of water is discharged into the toilet. A spring loaded flap valve 24 is positioned along the bottom of the bowl and opens upon accumulation of a predetermined volume (and weight) of water and waste liquid in the bowl during the flush cycle to discharge the contents from the bowl into the holding sump 16 by gravity. The water from the water valve 18 not only increases the volume within the toilet bowl 12 so as to open flap valve 24 but it also rinses and fills the bowl with a predetermined volume of clean water after the flap valve 24 closes (see column 3, line 48 to column 4, line 4).

Upon reviewing the accompanying Figures, it is noted that the base of the holding sump 16 is substantially planar and is not inclined so as to channel the waste and other liquid into the inlet of the suction pipe 42. In addition, the inlet of the suction pipe 42 appears to be positioned above the base surface of the sump holding and not at the lower most portion of the inclined surface of the storage tank, as recited.

As is apparent from the above discussion, since the toilet of Clear et al. '281 is specifically directed to a low volume flush toilet, it is respectfully submitted that such a toilet is not a chemical toilet as presently recited. Moreover, the toilet is not in direct communication with the holding tank but is separated therefrom by a normally closed flap valve 24 and Clear et al. '281 clearly does not disclose an additional urinal (see claim 6) which is also

11/18/05 12:38 PM

10/661,841

accommodated within the interior compartment of the chemical toilet. Moreover, contrary to the Examiner's assertion, there would appear to be no reason to add an additional urinal to the toilet of Clear et al. '281 which would also drain in the same holding sump 16. Furthermore, as noted above, the base surface of the storage tank is not inclined, e.g., it does not have a pitch of between 10° and 15°, to facilitate channeling of human waste and other liquid during clearing of the storage tank toward the inlet of the tank pumping coupling, as presently recited. Lastly, Clear et al. '281 does not appear to show an arrangement in which the wall pump coupling is located horizontally above both the storage tank and the tank pumping coupling to prevent leakage of human waste and liquid via the wall pumping coupling, as presently recited in claims 5, 17 and 21.

In summation, Clear et al. '281 relates to a low-flush toilet in which a predetermined volume of water is discharged into the toilet bowl in a conventional manner typically after each use of the low-flush toilet, e.g., through a spray ring positioned around the upper interior perimeter of the bowl (see column, 3, lines 60-62). In view of this specific disclosure, it is respectfully submitted that it would not be obvious, as alleged by the Examiner, to locate at least one spray nozzle within the storage tank with a fresh water conduit for supplying the at least one spray nozzle to facilitate spraying of the interior of the storage tank during servicing of the chemical toilet, as recited in claim 2. Clear et al. '281 specifically teaches spraying the upper interior perimeter of the toilet bowl not the holding sump 16.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, the independent claims of this application now recite the features of "a toilet opening directly communicating with a storage tank. . . a base surface of the storage tank being inclined and an inlet, defined by the tank pumping coupling, being fixed located adjacent a lower most portion of the inclined storage tank to facilitate channeling and flow of any human waste and liquid contained within the storage tank into the tank pumping coupling during servicing of the chemical toilet." Claims 2 and 18 recite the additional features of

10/661,841

"at least one spray nozzle is located within the storage tank and a fresh water conduit interconnects the recess supply coupling with the at least one spray nozzle to facilitate spraying of the interior of the storage tank during servicing of the chemical toilet." Claims 5, 17 and 21 recite the additional features of "the wall pumping coupling being located horizontally above both the storage tank and the tank pumping coupling to prevent leakage of the human waste and liquid via the wall pumping coupling". Lastly, claim 11 recites that "the storage tank has a funnel shaped inclined base surface with a drain formed therein" while claim 12 recites that "the drain has one of a screen and a grating for restricting an undesired object from entering into the drain." Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

In view of the previously claimed and searched limitations of claims 11, for example, it is respectfully submitted that the entered amendments to the independent claims do not add any new matter as they are essentially only a clarifying repetition of already existing limitations and, for the that reason, the amendments do not significantly alter the subject matter of the claims so as to cause additional search and/or consideration of the same by the Examiner.

Next, claims 2-4, 6, 18 and 22 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over Clear et al. '281 and Carolan '203. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks.

The Applicant acknowledges that the additional reference of Carolan '203 and incorporates herein all of the previously made arguments. In addition, although Carolan '203 may arguable related to the feature(s) indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base reference of Clear et al. '281 with this additional art still fails to in any way teach, suggest or disclose the above discussed distinguishing features of the presently claimed invention. As such, all of the raised rejections should be withdrawn at this time in view of the above amendments and remarks.

11/18/05 14:23 PM

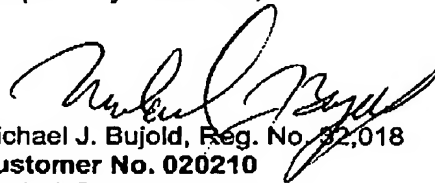
If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Clear et al. '281 and/or Carolan '203 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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11/18/05 - 12:25 PM